Remarks

The amendments to the claims

Applicant is taking advantage of the RCE in this application and a parallel RCE in the CIP of this application, USSN 10/765,424 to rationalize the claims in the two applications and thereby to deal

5   with the double patenting rejection which Applicant received in this application. Examiner will immediately see that the new claims are fully supported by the Specification as filed. See in particular FIG. 41 and the discussion of the improved model beginning at page 28, line 10 of the Specification, the discussion of access control beginning at page 31, line 29, and FIG. 46 and the discussion of the graphical user interface beginning at page 36, line 15. The changes to claims 4-10

10   serve to bring the claims into conformity with new claims 37-43.

The double patenting rejection

Applicants believe that the claims as now amended are directed to a patentably distinct species of the invention which is currently being claimed in USSN 09/312,740. Should Examiner find

15   otherwise, Applicants will file a terminal disclaimer. The present application is a CIP of USSN 09/312,740, however, and absent delay in the patent office, its term should end on even date with the term of USSN 09/312,740.

Patentability of the amended claims over the references

20   *The Buteau reference*

In the final Office action of 4/13/2006, Examiner rejected claims 187-194 and 197-210 as being anticipated by the Buteau reference. As set forth in the *Abstract,* the Buteau reference discloses a system that evaluates an enterprise architecture to see how architectural changes to the enterprise affect the enterprise architecture. The enterprise architecture is represented using tables in a

25   relational database system and includes a work flow model, an information model, and a technology model. The enterprise architecture itself is based on the Department of Defense's Technical Architecture Model for Information Management (TAFIM). Buteau's FIG. 2 shows the TAFIM model. As can be seen from FIG. 2 and the discussion of FIG. 1 at col. 1, lines 23-35, the TAFIM model is concerned with an enterprise's infrastructure, not with managing whatever it is

30   that the enterprise is using the infrastructure to do. This concern with infrastructure is also apparent from the user interface shown at FIGs. 8-10. FIG. 8 shows a screen for inputting information about

locations belonging to the enterprise; FIG. 9 shows an SQL query that is used in Buteau's system to return information about all processes that relate to customer data. FIG. 10 shows the result of the query. As is apparent from FIG. 9, users who wish to obtain information from Buteau's system must be extraordinarily skilled in SQL (see col. 22, lines 55-62). Buteau's system is in short not for

5   use by a person who is not a specialist in information technology.

Patentability of claim 37 over Buteau

As is clear from the foregoing, Buteau's system is not about "a system for supporting management of a collaborative activity by persons involved therein", its model is not "a model of the

10   collaborative activity", and the persons who use Buteau's system are not persons "[who are not] specialists in information technology". For the foregoing reasons, Buteau cannot anticipate claim 37. Other limitations of claim 37 that are not disclosed in Buteau include the following:

Model entities and hierarchies

15   Buteau does not disclose anything like the claimed "goal model entity type", "initiative model entity type", "goal hierarchy", or "initiative hierarchy".

Buteau's graphical user interface

The total disclosure of Buteau's graphical user interface is FIGs. 8-10 and the explanation of these

20   figures at col. 22, lines 20-45. As shown there, a user may use screens to edit data; all other interactions appear to be via SQL queries. An SQL query-based interface is of course not one that is usable by persons "[who are not] specialists in information technology". Neither the figures nor the descriptions show using the GUI to "assign[] the model entity to a location in a hierarchy" or "view[] model entities as ordered by a hierarchy to which the entities belong" as required by

25   Applicants' claim 37.

Because Buteau does not disclose the foregoing limitations of claim 37, the reference cannot serve as a basis for the rejection of the claim under 35 U.S.C. 102(e). Applicants' claim 37 and all of the claims dependent therefrom are consequently patentable over Buteau. With regard to dependent

30   claims 4-10, these claims describe details of the GUI used in Applicants' system (see FIGs. 6-9, 12-35) and Buteau's SQL query interface cannot reasonably be construed to disclose what is set forth

in these claims. With regard to new dependent claims 38-42, Buteau discloses nothing like the domain model entity type and the domain hierarchy set forth in claim 38, or the display set forth in claim 39. Buteau further neither discloses a GUI which controls access at the level of the person and the model entity of claim 41, nor viewing model entities as ordered by a value in the

5   information concerning the collaborative activity as set forth in claim 42. Claims 4-10, 38-39, and 41-42 are thus patentable in their own rights over the reference.

Patentability of the claims over the Knoth reference

Examiner applied the Knoth reference to claims in USSN 10/765,424 which were similar enough to

10   the claims in the present application to receive a double patenting rejection in USSN 10/765,424. Applicant filed an IDS with the reference in the present application on June 6, 2006. The following discussion takes Examiner's application of the Knoth reference to USSN 10/765,424 into account.

The disclosure of the Knoth reference

15   Knoth is a survey as of April 1997 of tools available for collaborative design. After an introduction in paragraphs 1-6, Knoth discusses four different classes of tools used in collaborative design:

- Tools for design conferences via the Internet. These tools, described in paragraphs 7-13, permit remotely-located designers to work together in real time on a design which is visible via the network to all of them.

20   - Tools for sharing access to CAD design information, described in paragraphs 14-19. These tools give controlled access to the design information and in some cases work with CAD design information from different CAD environments.

- Tools for locating existing parts via networks, described in paragraphs 20 and 21. The tools employ a database of attributes of parts and provide a user interface which permits the user to

25   narrow the desired attributes until the part is found.

- Tools for improving communication between manufacturers and suppliers, described in paragraphs 22-24. One of the tools tracks jobs; another permits a manufacturer to publish design information to its suppliers.

Two things must be noted at this point in the discussion: first, though these tools are used for

30   collaborative design work, *none* of them provides a *model of the collaborative activity of designing;* indeed, the models mentioned in the reference are not models of activities, but models

of *designs*. Thus, none of the tools provides "a representation of a model of a collaborative activity". Second, there is no suggestion in Knoth that the four classes of tools could be combined in a single tool; consequently, rejections that are based on combinations of the tools are properly rejections under 35 U.S.C. 102, not 35 U.S.C. 103.

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Knoth and claim 37

As will be immediately apparent from the foregoing, none of the tools disclosed in Knoth anticipates claim 37's goal model entity type, goal model entities, and goal hierarchy or the claim's initiative model entity type, inititiative model entities, and initiative hierarchy or the graphical user

10   interface operations involving those claim limitations. There are further no combinations of the tools disclosed in Knoth which show all of the limitations of claim 37. Claim 37 is consequently patentable over Knoth. Further, since claim 37 is patentable over Knoth, so are all of the dependent claims. Finally, the combination of Buteau and Knoth also does not disclose all of the limitations of claim 37, and consequently, all of the claims are patentable over the references.

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Conclusion

In the foregoing, Applicant has demonstrated that the amended claims are fully supported by the Specification as originally filed and has demonstrated that the claims as amended are patentable

20   over the Buteau and Knoth references. In demonstrating the latter, Applicant has satisfied the requirements of 37 C.F.R. 1.111(b) and has thereby also satisfied the requirements of 37 C.F.R. 1.114(c). Applicant consequently respectfully requests that Examiner withdraw the finality of the Office action of 3/10/06 and continue with the examination of the claims as amended.

25   A check for fees of $395.00 for the RCE and $225.00 for a two-month extension of time accompany this amendment. No other fees are believed to be required. Should any be, please charge them to deposit account number 501315. Excess fees should be deposited to that account.

30   Respectfully submitted,

[signature]

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